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15 *erroneously sued as LIBERTY MUTUAL INSURANCE*
16 and LIBERTY MUTUAL INSURANCE CORPORATION

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 DARLENE CARTER, an individual; and) CASE NO.: 2:19-cv-01779-APG-BNW
20 DAVID BIANCO, an individual)
21 Plaintiffs,) STIPULATION AND ORDER FOR
22 vs.) NINETY (90) DAY EXTENSION OF
23) DATES WITHIN SCHEDULING ORDER
24) [SECOND REQUEST]
25 LIBERTY MUTUAL INSURANCE, a foreign)
26 entity, LIBERTY INSURANCE)
27 CORPORATION, a foreign corporation,)
28 DOES I-X, ROE CORPORATIONS I-X,)
inclusive,)
Defendants.)

1 COME NOW, Defendant, LIBERTY INSURANCE CORPORATION *erroneously*
2 *sued as LIBERTY MUTUAL INSURANCE and LIBERTY MUTUAL INSURANCE*
3 CORPORATION (hereinafter also referred to as “Liberty Mutual” or “Defendant”), by and
4 through its attorneys, the law firm of KOELLER, NEBEKER, CARLSON & HALUCK, LLP,
5 and Plaintiffs, DARLENE CARTER and DAVID BIANCO (hereinafter “Plaintiffs”), by and
6 through their attorneys of record, Steven Mack, Esq., of GIBBS GIDEN and hereby submit this
7 joint stipulated request to extend the time for the remaining discovery deadlines by ninety (90)
8 days.

9 As an initial matter, the parties specifically note for the Court the instant request to
10 extend time and discovery is in direct response to impacts upon witness availability and

1 advisability of travel and meetings due to efforts to avoid and contain the spread and
2 contraction of COVID-19. In particular, personnel for Defendant have been specifically
3 directed to not travel and to avoid participation in meetings and depositions with others, and
4 travel and in-person conferences for witnesses and attorneys has generally been advised against
5 by the Center for Disease Control and the Court's Temporary General Order 2020-03. To
6 accommodate these issues in the interest of health and safety, the parties have agreed herein to
7 request extension of time and discovery for this matter for ninety (90) days.

8 **A. Statement of Completed Discovery.**

9 The parties have performed initial disclosures of witnesses and documents as well as
10 supplemental disclosures of documents that were obtained via subpoenas to non-parties. The
11 Defendant served subpoenas for records from the Custodian of Records for non-parties
12 Affordable Home Services d/b/a D Best Plumbing, Belfor USA, City of Las Vegas Department
13 of Building & Safety, DALLASWHITE Corporation, Desert Home Electric, Eco Electric,
14 FieldAware, Innovation Group, Nevada Contractors Board, TLC Roof Services, and Williams
15 Electric. Of the non-parties served with subpoenas, Affordable Home Services d/b/a D Best
16 Plumbing, Belfor USA, City of Las Vegas Department of Building and Safety,
17 DALLASWHITE Corporation, Desert Home Electric, Eco Electric, FieldAware, Innovation
18 Group, TLC Roof Services, and Williams Electric have responded and provided documents.
19 The parties subject to subpoenas requested extensions of time to respond to provide documents,
20 resulting in delayed receipt of materials. All of the documents received in response to
21 subpoenas have been produced to Plaintiffs.

22 Plaintiffs also served interrogatories and requests for production of documents, and
23 responses have been served. Plaintiffs and Defendant have also retained litigation consultants,
24 and analysis in that regard is underway, but completion of those reports are subject to
25 additional discovery and depositions. Plaintiffs have also requested the depositions of Liberty
26 Insurance Corporation's representative and August Nardoni, Matt Degelormo, Casey Ghobrial,
27 Wanda Chambers, Michael Diaz, Tyler Hollingsworth, Billy Goold, and Jason Mercer, which
28 were set and scheduled, but were postponed due to the travel restriction and COVID-19 virus

1 issues. Further, Plaintiff was in the process of having subpoenas issued for multiple other
2 witnesses, that were put on hold as a result of the COVID-19 virus issues.

3 **B. Statement of Discovery that Remains to be Completed.**

4 Depositions of Plaintiffs and litigation consultants are anticipated. Entities involved
5 with the observation, evaluation, restoration, and repair cost estimates may be deposed,
6 although the number of such depositions may be reduced by the outcome of expert consulting
7 and opinions. Plaintiffs have also requested the depositions and had previously scheduled of
8 Liberty Insurance Corporation's representative and August Nardoni, Matt Degelormo, Casey
9 Ghobrial, Wanda Chambers, Michael Diaz, Tyler Hollingsworth, Billy Goold, and Jason
10 Mercer.

11 Plaintiffs also anticipate deposition of party affiliates, including representative of
12 Innovation Group and the Nevada State Contractor's Board as well as any experts retained by
13 Defendant. As discussed below, the extension requested herein is due to Defendant imposing
14 travel and meeting/deposition restrictions through April 30, 2020, and in response to the
15 additional guidance of the Centers for Disease Control and the Court's guidance to similarly
16 limit travel and meetings to enhance efforts to avoid spread and contraction of COVID-19, and
17 the additional time is advisable and requested to accommodate the related impact upon
18 scheduling of consulting and depositions for the foregoing witnesses.

19 **C. Statement Supporting the Necessity of Extending Dates within the Scheduling
Order.**

20 The extension of time is requested to accommodate both parties' adherence to guidance
21 of the Center for Disease Control and the Court for implementation of restrictions to avoid
22 spread and contraction of spread of COVID-19. The extension is also specifically necessary to
23 accommodate rescheduling of depositions and discovery previously scheduled by Plaintiffs. In
24 particular, Plaintiffs scheduled depositions to commence as imminently as this week for
25 Liberty Insurance Corporation's representative and August Nardoni, Matt Degelormo, Casey
26 Ghobrial, Wanda Chambers, Michael Diaz, Tyler Hollingsworth, Billy Goold, and Jason
27 Mercer, and the next several weeks as to other multiple other witnesses These depositions need
28 to be delayed and rescheduled for the above-referenced health and safety reasons which also

1 underlie the travel and meeting/deposition restrictions Defendant imposed for personnel
2 through April 30, 2020. The additional time the parties jointly request herein is intended to
3 accommodate the anticipated delay, but the parties nonetheless also note they are aware of
4 some potential that additional delays and resulting requests for further extensions may
5 precipitate if travel and meeting/deposition restrictions and guidance for avoidance are also
6 extended.

7 **D. Proposed Revised Schedule**

8 With a ninety (90) day discovery extension of the remaining discovery deadlines, as
9 well as the total time for discovery, the new discovery cut-off date will be **September 7, 2020**.
10 The Parties propose to extend the remaining discovery deadlines in this case by ninety (90)
11 days, and the resulting changes to the scheduling order will result in the following:

12 Fed R. Civ. Proc. 26(a)(2) Disclosures (Experts): Currently, the last day for disclosures
13 identifying experts is April 9, 2020. The proposed deadline date is **July 8, 2020**.

14 Fed. R. Civ. Proc. 26(a)(2) Disclosures (Experts Rebuttal): Currently, the last day for
15 expert rebuttal disclosures is May 10, 2020. The proposed deadline date is **August 8,
16 2020**.

17 Close of Discovery: Currently, the close of discovery is June 9, 2020. The proposed cut-
18 off date is **September 7, 2020**.

19 Dispositive Motions: Dispositive motions will be made no later than **October 7, 2020**,
20 which does not exceed the outside limit of thirty (30) days following the discovery cut-
21 off date that LR26-1(b)(4) prescriptively sets for filing dispositive motions.

22 Pretrial Order: The Joint Pretrial Order shall be filed by **November 7, 2020**, which is no
23 later than thirty (30) days after the date set for the filing of dispositive motions.

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1 Interim Status Report: The Parties filed the interim status report required by LR 26-3 on
2 **November 10, 2019.**

3 DATED this 19th day of March, 2020.

DATED this 19th day of March, 2020.

4 KOELLER, NEBEKER, CARLSON
5 & HALUCK, LLP

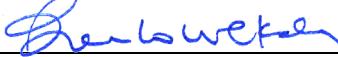
GIBBS GIDEN

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DARLENE CARTER and DAVID
BIANCO

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: 3/20/2020

Respectfully Submitted by:

KOELLER, NEBEKER CARLSON
& HALUCK, LLP

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